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October 2, 2000

VIA COURIER

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-204B
Washington, DC 20554

RECEIVED
OCT 2 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WT Docket No. 99-217; CC Docket No. 96-98

Dear Ms. Salas:

Edge Connections, Inc. ("Edge"), by its attorneys, hereby submits the following document for inclusion in the record in this proceeding:

1. Letter dated September 27, 2000 from Vickie H. Foard, Assistant Director of Property Management, Highwoods Properties, to Rob Whittemore, Edge Connections.

In this letter, Highwoods Properties ("Highwoods"), a partner of BroadBand Office ("BBO"), requests Edge to remove its equipment from the telephone closets of Multiple Tenant Environments ("MTEs") that Highwoods owns, denies Edge access to the telephone closets of MTEs that Highwoods owns, and informs Edge that Highwoods will not negotiate terms of building access with Edge or any other telecommunications providers at this time. Accordingly, this letter means that the 23 Highwoods tenants who have chosen Edge as their broadband service provider will continue to be denied the telecommunications services that they want from the telecommunications service provider of their choice.

Edge respectfully submits that the attached letter provides further evidence that regulation to promote non-discriminatory building access is urgently needed. The letter demonstrates the following relevant points:

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- Highwoods Is Refusing to Negotiate Building Access With Edge or Any Other Telecommunications Provider. In the letter, Ms. Foard makes clear that the terms and conditions, including revenue sharing provisions, of proposed building access agreements are irrelevant to Highwoods, because Highwoods "is not signing additional agreements in Atlanta that will place telephone equipment in [Highwoods] telephone rooms." Consequently, no telecommunications service providers will be able to access the telephone closets of MTEs owned by Highwoods, regardless the terms and conditions that they offer.
- No Additional Telecommunications Providers Will Be Able To Provide Broadband Service To Tenants of MTEs Owned By Highwoods. In the letter, Highwoods claims that it "is not denying Edge Connections access to [its] customers," but merely requiring Edge to "work directly with [its] signed customers for [its] equipment space needs." Ms. Foard suggests that Edge should "install [its] equipment in the tenant's space of any customer [it] ha[s] acquired in Highwoods Properties' buildings." As Edge explained in its ex parte letter dated September 20, 2000, it is not economical for any provider of broadband services, including BBO itself, to serve tenants in MTEs if it must install separate equipment (e.g., DSLAMs) in each tenant's space rather than installing common equipment in the telephone closet that can be used to serve multiple tenants. Therefore, merely allowing additional telecommunications providers to install equipment in tenant spaces will not result in tenants having the ability to receive telecommunications from the service provider of their choice.
- Lack of Space Is Not The Reason Why Highwoods Is Refusing To Allow Additional Telecommunications Providers To Install Equipment In Their Telephone Closets. The letter makes clear that lack of space is not the reason why Highwoods will not negotiate with Edge or any other telecommunications service providers. In fact, Highwoods has requested that Edge remove its equipment from the telephone closets of all Highwoods MTEs.
- Tenant Demand For Service From Additional Telecommunications Providers is Irrelevant To Highwoods. Edge has repeatedly explained to Highwoods that it cannot economically provide service to tenants in MTEs owned by Highwoods unless Edge installs its equipment in the telephone closets of these MTEs. Edge has also explained that over 23 tenants of Highwoods have signed service contracts with Edge. Nevertheless, Highwoods has engaged in various stall tactics, and has now refused access to Edge. The result is that 8 of Edge's customers in Highwoods MTEs have cancelled their contracts, and the remaining 15 are unable to receive service from the provider of their choice: Edge.

Edge submits that its experiences with Highwoods and several other building owners demonstrate that regulation to promote non-discriminatory building access is urgently needed.

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Unless the Commission acts now to ensure that service providers like Edge can obtain building access on a non-discriminatory basis, tenants will continue to be denied their right to receive the telecommunications services they want from the service provider of their choice, and the competition that the 1996 Act seeks to foster will be irreparably harmed.

Please let us know if you need any additional information about this matter. An original and two copies of this notice are provided.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert J. Aamoth', with a long horizontal line extending to the right.

Robert J. Aamoth
Todd D. Daubert
Counsel to Edge Connections, Inc.

cc:	Clint Odom	Mark Schneider	Helgi Walker
	Peter Tenhula	Adam Krinsky	Kathy Brown
	Thomas Sugrue (WTB)	Jim Schlichting (WTB)	Jeffrey Steinberg (WTB)
	Joel D. Taubenblatt (WTB)	Lauren Van Wazer (WTB)	Leon Jackler (WTB)
	Eloise Gore (CSB)	Cheryl King (CSB)	Wilbert Nixon (WTB)
	Paul Noone (WTB)	Mark Rubin (WTB)	David Furth (WTB)
	Richard Arsenault (WTB)		

September 27, 2000



Mr. Rob Whittemore
Edge Connections
1100 Johnson Ferry Road
Suite 400
Atlanta, GA 30342

Dear Rob:

Per your letter of August 16, 2000 to me, and numerous telephone conversations and e-mail messages, please let this letter reiterate our conversations regarding your telephone equipment being installed in our phone rooms. As I have stated in the past, at this time we are not signing additional agreements in Atlanta that will place telephone equipment in our telephone rooms. We want our tenants to be serviced by the telecommunications provider of their choice, and it is for that reason that we encourage you to work with any of our tenants with whom you have signed contracts to place your equipment in their space. Highwoods is not denying Edge Connections access to your customers, just requiring you to work directly with your signed customers for your equipment space needs.

This has been our position with telecommunication's providers since we have been inundated with requests for space for installation of their telephone equipment. Until we have received information from our tenants advising of their equipment in our telephone rooms, this will continue to be our position.

My suggestion at this time is for you to install your equipment in the tenant's space of any customer you have acquired in Highwoods Properties' buildings. In the two buildings surveyed, we found unused equipment from your company. We are requesting that you remove the equipment as soon as possible.

Hopefully this letter will clarify our position, and address all concerns related to the installation of your telephone equipment.

Sincerely,

HIGHWOODS PROPERTIES

A handwritten signature in cursive script that reads "Vickie H. Foard".

Vickie H. Foard
Assistant Director of Property Management

cc: Kevin Penn
Andrew Coley

CERTIFICATE OF SERVICE

I, Gledys Y. Lovato, hereby certify that, this 2nd day of October 2000, I caused a copy of the foregoing "Ex Parte" to be served via hand delivery to the following:

William E. Kennard, Chairman
Federal Communications Commission
445 12th Street, S.W., 8B201
Washington, D.C. 20554

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Federal Communications Commission
445 12th Street, S.W., 8B115
Washington, D.C. 20554

Harold W. Furchtgott-Roth, Commissioner
Federal Communications Commission
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Michael K. Powell, Commissioner
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Gloria Tristani, Commissioner
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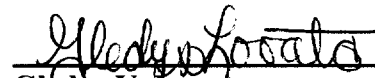
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And Via First Class Mail to:

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Assistant Director of Property Management
Highwoods Properties
2200 Century Parkway
Suite 800
Atlanta, GA 30345-3203


Gledys Y. Lovato